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BY: Helene Sahel

DATE: March 28, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:  
Ian Hector Frazer *et al.*

: Group Art Unit: 1636

Conf. No.: 4929

Appln. No.: 09/900,345

: Examiner: Terry Alan McKelvey

Filing Date: July 6, 2001

: Attorney Docket No.: 10338-5 US

Title: METHOD AND POLYNUCLEOTIDES FOR DETERMINING TRANSLATIONAL EFFICIENCY OF A CODON

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

This is in response to the Office Action dated January 29, 2003 (Paper No. 14), concerning the above-identified patent application. This response is being filed in a timely manner in view of the filing of the accompanying Petition for a one-month extension of time to and including March 31, 2003 (March 29 and March 30 being a Saturday and Sunday, respectively), and the payment of the extension fee.

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## **RESPONSE TO ELECTION REQUIREMENT**

Applicants hereby respectfully traverse the election of species requirements in the Office Action, under 37 C.F.R. § 1.143, and Applicants hereby provisionally elect for prosecution in this application a species in which:

1. There are five tandemly repeated codons;
2. The tandemly repeated codons are located immediately upstream of the reporter polynucleotide;
3. At least one spacer codon is interposed between a pair of tandemly repeated codons; and
4. The spacer codon is alanine.